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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
09/975,006	10/10/2001		David P. Aschenbeck	25019A	8542 .		
22889	7590	04/05/2005		EXAM	EXAMINER		
OWENS C 2790 COLU			WATKINS III,	WATKINS III, WILLIAM P			
GRANVILL			ART UNIT	PAPER NUMBER			
				177?			

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)		
09/975,006	ASCHENBECK ET AL.		
Examiner	Art Unit		
William P. Watkins III	1772		

Before the Filing of an Appeal Brief		A 4 11 14						
Before the Filling of all Appear Brief	Examiner	Art Unit						
	William P. Watkins III	1772						
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress					
THE REPLY FILED 16 March 2005 FAILS TO PLACE THIS AF	PLICATION IN CONDITION FOR A	ALLOWANCE.						
 The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 4 months from the mailing date of the final rejection. 								
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I	ater than SIX MONTHS from the mailin	g date of the final rejecti	on.					
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).								
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL								
2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appea has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).								
AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because								
 (a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE below) 	ow);							
(c) They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	ducing or simplifying	the issues for					
(d) They present additional claims without canceling a		ected claims.						
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1	16 and 41.33(a)).		(DTOL 224)					
4. The amendments are not in compliance with 37 CFR 1.1		impliant Amendment	(PTOL-324).					
 5. Applicant's reply has overcome the following rejection(s) 6. Newly proposed or amended claim(s) would be a 		timely filed amendme	ent canceling the					
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro	☑ will not be entered, or b) ☐ wi	ll be entered and an e	explanation of					
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	vided below of appointed.							
Claim(s) objected to: Claim(s) rejected: <u>8,9 and 53</u> .								
Claim(s) withdrawn from consideration: 1-7,11-52,54,56 a	and <u>57</u> .							
AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but the second	ut before or on the date of filing a N	otice of Appeal will no	ot be entered					
because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	d sufficient reasons why the affida	vit or other evidence is	s necessary and					
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a					
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.								
 REQUEST FOR RECONSIDERATION/OTHER 11. ☐ The request for reconsideration has been considered by See Continuation Sheet. 	ut does NOT place the application i	n condition for allowa	nce because:					
12. Note the attached Information Disclosure Statement(s).			N .					
13. Other:	Will	ru p. Walli						
	WIL	LIAM P. WATKINS II	1					

PRIMARY EXAMINER

Application No. 09/975,006

Continuation Sheet (PTO-303)

Continuation of 3. NOTE: the limitation of a surface covering of granules is new and requires further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: the examiner mantains his position that the important teaching in Schult is the abiility to reflect which is common to Yap et al. and not the white nature of the top surface.